



FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages 12 (including this page)

TO:	PHONE #:	FAX #:
Examiner Q. Janice Li, Group Art Unit 1632 Commissioner for Patents	(571) 272-0730	(703) 872-9306

<p>From : Stephen E. Reiter <i>SR</i></p> <p>Email Address : sreiter@foley.com</p> <p>Sender's Direct Dial : 858.847.6711</p> <p>Date : November 29, 2004</p> <p>Client/Matter No : DALHO1340-1 (028614-1303)</p> <p>User ID No : 1877</p>
--

### MESSAGE:

Re: United States Patent Application No. 10/019,453

Following are:

1. Amendment Transmittal (3 pgs.)
2. Response to a Restriction Requirement (8 pgs.)

RECEIVED  
CENTRAL FAX CENTER  
NOV 29 2004

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
-----------	------------	---

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

BEST AVAILABLE COPY

Atty. Dkt. No. DALHO1340-1 (028614-1303)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Song F. Lee et al.

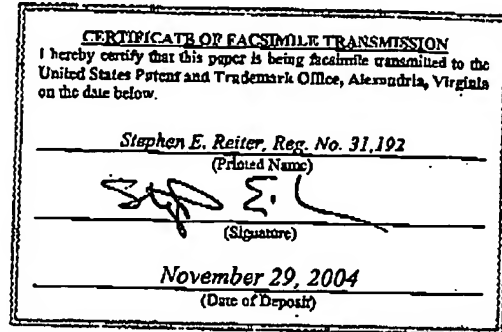
Title: GENETICALLY ENGINEERED  
ORAL COMMENSAL  
ORGANISMS AS VACCINES

Appl. No.: 10/019,453

Filing Date: 06/13/2002

Examiner: Qian Janice Li

Art Unit: 1632

RECEIVED  
CENTRAL FAX CENTER  
NOV 29 2004**AMENDMENT TRANSMITTAL**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to a Restriction Requirement in the above-identified application.

[ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	35	-	35	=	0	x	\$18.00	=	\$0.00
Independent Claims:	1	-	3	=	0	x	\$86.00	=	\$0.00
First presentation of any Multiple Dependent Claims: +									\$290.00 = \$0.00
CLAIMS FEE TOTAL =									\$0.00

In re application of  
Song F. Lee et al  
Application No.: 10/019,453  
Page 2 of 3

Atty. Dkt. No. DALH1340-1 (028614-1303)

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$430.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$950.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,480.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,010.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

☐ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

☐ A check in the amount of \$0.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of  
Song F. Lee et al  
Application No.: 10/019,453  
Page 3 of 3

Atty. Dkt. No. DALH1340-1 (028614-1303)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date November 29, 2004

By 

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

Atty. Dkt. No. DALHO1340-1  
(028614-1303)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Song F. Lee et al.

Title: GENETICALLY ENGINEERED  
ORAL COMMENSAL  
ORGANISMS AS VACCINES

Appl. No.: 10/019,453

Filing Date: 6/13/2002

Examiner: Q. Janice Li

Art Unit: 1632

Conf. No. 5725

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.
<u>Stephen E. Reiter</u> (Printed Name)
<u>[Signature]</u> (Signature)
<u>November 29, 2004</u> (Date of Deposit)

AMENDMENT AND REPLY UNDER 37 CFR 1.111

RECEIVED  
CENTRAL FAX CENTER

NOV 29 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed October 28, 2004, please consider the following amendments and remarks.

The Listing of Claims begins on page 2 of this communication.

Remarks begin on page 7 of this communication.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**